Custody Case SCS 2d2

(517)

PAUL N. McCLOSKEY, JR.
12TH DISTRICT, CALIFORNIA

COMMITTEE ON
GOVERNMENT OPERATIONS
AND
COMMITTEE ON
MERCHANT MARINE
AND FISHERIES

P780021-1065

Congress of the United States
House of Representatives
Washington, D.C. 20515

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DECLASSIFIED
6CS

March 2, 1978

DEPARTMENT OF STATE A/CDC/MR
RETURNED BY _____ DATE _____
08 MAR 1978
ENCL(S) _____
ATTACHMENTS ☐
LABELED ☑

Mr. Douglas J. Bennet, Jr.
Assistant Secretary
for Congressional Relations
Department of State
Washington, D. C. 20520

Dear Mr. Bennet:

I regret that I cannot accept the State Department's rationale in your letter to me of February 13th concerning the case of John Victor Stoen.

I am enclosing a copy of John Victor Stoen's birth certificate filed in Sonoma County, California. It reflects his birth on January 25, 1972, to Grace Lucy Stoen and Timothy Oliver Stoen at Santa Rosa Memorial Hospital.

It is apparently uncontested that Mr. and Mrs. Stoen were married at the time of the birth of the boy to Mrs. Stoen. This creates an irrebuttable presumption, under California law, that the lawful husband is the father of the child. It is the child whom the law protects and neither the husband, the mother or any other person can challenge the child's right of legitimacy.

Should Reverend Jones be indeed the natural father of John Victor Stoen, this would not in any way remove the child's right to the presumption of legitimacy which is given him under United States law. As I understand Reverend Jones' position, he is in effect claiming that the child is a bastard.

Under these conditions, I think it entirely appropriate that the United States government seek the assistance of the Guyanese government to preserve the legitimacy of birth of a U.S. citizen. While freedom of religion is a basic right in America and guaranteed by our Constitution, I know of no honorable religion, particularly one headquartered in the United States,

No enclosure
sent to FADRC

PAUL N. McCLOSKEY

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which would deny the right of our law to determine the legitimacy or illegitimacy of a child born in the United States.

Respectfully,

Paul N. McCloskey, Jr.

PNMcC:Mm
Enclosure